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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/079,990	03/15/2005	Timothy R. Collins	C65-002-01-US	2028
22854	7590	07/09/2007		
MOORE & HANSEN, PLLP 225 SOUTH SIXTH ST MINNEAPOLIS, MN 55402			EXAMINER LAMB, BRENDA A	
			ART UNIT 1734	PAPER NUMBER
			MAIL DATE 07/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	11/079,990	COLLINS, TIMOTHY R.	
	Examiner	Art Unit	
	Brenda A. Lamb	1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 13-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7,8,11 and 12 is/are rejected.
- 7) ☒ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/29/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-12, drawn to apparatus, classified in class 118, subclass 423.
- II. Claims 13-17, drawn to method, classified in class 427, subclass 2.25.

The inventions are independent or distinct, each from the other because:

Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process such as one wherein the device being coated is an optical wire which is used in a device other than a medical device. Alternatively, the process as claimed can be practiced by materially different apparatus such as one wherein the step of generating relative between the medical devices and the heating heads is generated by the operator which manually moves the medical devices into the coating position and past the infrared heating tools.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their

Art Unit: 1734

recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Attorney Hakamaki on 5/15/07 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-12. Affirmation of this election must be made by applicant in replying to this Office action. Claims 13-17 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Harland Medical Systems, PCX Coating Solutions, pamphlet, 2004.

Harland Medical Systems teaches the design of a coating apparatus as shown in the figures is comprised of the following elements: a plurality of support devices so mounted as to releasably support a plurality of elongated, wire-like devices in a generally vertical orientation; a plurality of coating devices arranged in coating applying juxtaposition to the support devices as to apply a coating to each of such wire-like

devices as supported on the support devices; a plurality of heating tools as shown in the Figures are disposed in a horizontal plane, with each of the heating tools appear as shown in Figures as having an apertured, electrically energizable heating head located in vertical alignment with one of the support devices, whereby a plurality of wire-like devices may be releasably mounted on the support devices and extended through the apertured heating heads; and a drive mechanism constructed and arranged to provide relative vertical movement between the devices and the infrared heating heads. Note applicant in reference to the recitation that "whereby the heating heads may be energized to cure a coating applied to each of a plurality of wire-like medical devices by the actuation of the drive mechanism to generate relative vertical movement between the medical devices and the heating heads" in claim 7, it has been held that the functional "whereby" statement does not define any structure and accordingly cannot serve to distinguish. In re Mason, 114 USPQ, 127, 44 CCPA 937 (1957). With respect to claim 8, Harland Medical Systems teaches the coating devices comprises tubes containing a desired coating solution.

Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harland Medical Systems, PCX Coating Solutions, pamphlet, 2004 in view of Koebler et al.

Harland Medical Systems is applied for the reasons noted above but fails to teach each of the heating tools comprises a voltage regulator electrically connected to its heating head, whereby the voltage supply to each of the heading heads may be adjusted so as to generate infrared heat with a desired wavelength compatible to the

Art Unit: 1734

infrared absorption rate of the particular coating being utilized. However, Koebler et al teaches using an adjustable voltage supply for an infrared heater which cures the coating or material applied on a substrate and the adjustable voltage supply adjusts the frequency of the supplied current to the infrared heaters to control the rate of heating of the substrate. Therefore, it would have been obvious to provide the Harland Medical Systems infrared heating modules with an adjustable voltage supply which adjusts the frequency of the applied current adjustable since Koebler et al teaches doing so in a medical coating apparatus to control the rate of heating of the substrate.

Claims 9-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-6 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda A. Lamb whose telephone number is (571) 272-1231. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday. The examiner can also be reached on alternate Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla, can be reached on (571) 272-1231. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

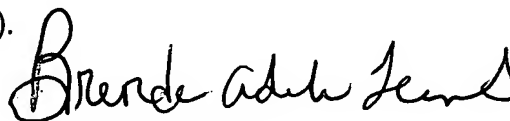
Art Unit: 1734

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Brenda A Lamb". The signature is written in a cursive, flowing style.

Brenda A Lamb

Examiner

Art Unit 1734